



4910-06-P

## **U.S. DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

**[Docket No. FRA-2017-0002-N-5]**

#### **Proposed Agency Information Collection Activities; Comment Request**

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the proposed information collection activities listed below. Before submitting these information collection requests (ICR) to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than [INSERT DATE 60 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit written comments on the information collection activities by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Mail Stop 25, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB Control Number 2130-XXXX," (the relevant OMB control

number for each ICR is listed below) and should also include the title of the ICR.

Alternatively, comments may be faxed to (202) 493-6216 or (202) 493-6497, or emailed to Mr. Brogan at Robert.Brogan@dot.gov, or Ms. Toone at Kim.Toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Mail Stop 25, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Mail Stop 35, Washington, DC 20590 (telephone: (202) 493-6132). (These telephone numbers are not toll free.)

**SUPPLEMENTARY INFORMATION:**

The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested parties to comment on the following summary of proposed information collection activities regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and

assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques and other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) reduce reporting burdens; (2) ensure that it organizes information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for OMB renewed or revised clearance as the PRA requires:

Title: Hours of Service Regulations

OMB Control Number: 2130-0005

Abstract: On August 12, 2011, FRA amended its hours of service recordkeeping regulations, to add a new 49 CFR part 228, subpart F, providing substantive hours of service requirements, including maximum on-duty periods, minimum off-duty periods, and other limitations, for train employees (e.g., locomotive engineers and conductors) providing commuter and intercity rail passenger transportation. See 76 FR 50359. The regulations require railroads to evaluate work schedules for risk of employee fatigue and

implement measures to mitigate the risk, and to submit to FRA for its approval the relevant schedules and fatigue mitigation plans. This regulation also made corresponding changes to FRA's hours of service recordkeeping regulations to require railroads to keep hours of service records and report excess service to FRA in a manner consistent with the new requirements. This regulation was mandated by the Rail Safety Improvement Act of 2008 (Pub. L. 110-432, Division A). FRA uses the information collected under this rule to ensure compliance with the requirements of the regulation. In particular, FRA uses the information collected as a result of new subpart F to verify the train employees of commuter and intercity passenger railroads do not exceed maximum on-duty periods, abide by minimum off-duty periods, and adhere to other limitations in this regulation, to enhance rail safety and reduce the risk of accidents/incidents caused or contributed to by train employee fatigue.

Form Number(s): FRA F 6180.3

Affected Public: Businesses

Respondent Universe: 768 railroads/signal contractors

Frequency of Submission: On occasion/monthly

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
228.11 – Hours of duty records – train & engine employees (electronic records); train & engine employees (paper records); dispatchers' (paper records); signalmen (paper records)	768 railroads/signal contractors	12,318,750 records + 10,293,000 records + 876,000 records + 3,942,000 records	2 min./10 min./ 5 min./10 min.	2,856,125 hours
228.17 – Dispatcher's records of train movements	150 dispatch offices	200,750 records	3 hours	602,250 hours

228.19 – Monthly reports of excess service	300 railroads	2,670 reports	2 hours	5,340 hours
228.103 – Construction of employee sleeping quarters – petitions to allow construction near work area	50 railroads	1 petition	16 hours	16 hours
228.207 – Training in use of electronic system – initial training	768 railroads/signal contractors	47,000 trained employees	1 hour	47,000 hours
49 U.S.C. 21102(b) –Petitions for exemption from hours of service laws	10 railroads	2 petitions	10 hours	20 hours
228.407 – RR analysis of one cycle of work schedules – submission to FRA	168 railroads	2 analyses	20 hours	40 hours
-- Reports to FRA of work schedules that violate fatigue threshold	168 railroads	1 report	2 hours	2 hours
-- Fatigue mitigation plans submitted to FRA	168 railroads	1 plan	4 hours	4 hours
-- Submission of work schedules, proposed fatigue mitigation tools, & determination of operational necessity corrected document	168 railroads	1 document	2 hours	2 hours
-- Analysis of certain later changes in work schedules: follow-up analysis	168 railroads	5 analyses	4 hours	20 hours
-- Submission of corrected document for FRA disapproved work schedule	168 railroads	1 document	2 hours	2 hours
-- RR development & adoption of written fatigue mitigation plan for any work scheduler identified through analysis in paragraphs (a) or (d) of this section	168 railroads	8 updated written plans	4 hours	32 hours
-- RR consultation with employees on: work schedules found to be at risk for fatigue level that compromises safety; railroad's selection of fatigue mitigation tools; and all submissions seeking FRA approval	168 railroads	5 consultations	2 hours	10 hours
-- Filed statements with FRA by employees and employee organizations unable to reach consensus with railroad on work schedules or mitigation tools	railroad employees/ employee organizations	2 statements	2 hours	4 hours
228.411 – Developing training programs	168 railroads	14 programs	5 hours	70 hours
-- New employees initial training	168 railroads	150 employees	1 hour	150 hours
-- Refresher training	168 railroads	3,400 trained employees	1 hour	3,400 hours
-- Records of Training	168 railroads	3,550 records	5 minutes	296 hours
-- Written Declaration by Tourist Railroads for Exclusion from This Section's Requirements	140 railroads	2 written declarations	1 hour	2 hours
-- Appendix D: Guidance on fatigue management plan – updated plans	168 railroads	2 plans	10 hours	20 hours

Total Estimated Annual Responses: 27,687,317

Total Estimated Annual Burden: 3,514,805 hours

Type of Request: Extension of a Currently Approved Collection

Title: Reflectorization of Freight Rolling Stock

OMB Control Number: 2130-0566

Abstract: FRA issued this regulation to mandate the reflectorization of freight rolling stock (using retroreflective material on freight cars and locomotives) to enhance the visibility of trains to reduce the number and severity of accidents at highway-rail grade crossings where visibility was a contributing factor. See 70 FR 144, Jan. 3, 2005. FRA uses the information collected to verify that the railroad person responsible for the car reporting mark is notified after the required visual inspection when the freight equipment has less than 80 percent of the required retroreflective sheeting present, undamaged, or unobscured. Further, FRA uses the information collected to verify that the required locomotive records of retroreflective sheeting defects found after inspection are kept in the locomotive cab or in a railroad accessible electronic database FRA can access upon request. Finally, FRA uses the information collected to confirm that railroads/car owners meet the prescribed standards for the inspection and maintenance of the required retroreflective material.

Form Number(s): FRA F 6180.113

Affected Public: Businesses

Respondent Universe: 716 railroads/car owners

Frequency of Submission: On occasion/monthly

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
224.7 - Waivers	716 railroads/ freight car owners	20 petitions	1 hour	20 hours

224.15 – Petitions for special approval of alternative standard - Public comment on special approval procedures	2 manufacturers	12 petitions	40 hours	480 hours
	2 manufacturers /railroads /general public	3 comment	1 hour	3 hours
224.109 – RR notification to person responsible for reporting mark after visual inspection for presence and condition when freight car on either side has less than 80% reflective sheeting of the damaged, obscured, or missing sheeting - locomotives record of freight retroreflective sheeting defects found after inspection kept in locomotive cab or in railroad accessible electronic database that FRA can access upon request	AAR /300 car shops	131,619 notices	2 minutes	4,387 hours
	716 railroads /freight car owners (24,707 locomotives)	2,471 records	3 minutes	124 hours

Total Estimated Annual Responses: 134,125

Total Estimated Annual Burden: 5,014 hours

Type of Request: Revision of a Currently Approved Collection

Title: Railroad Safety Appliance Standards

OMB Control Number: 2130-0594

Abstract: FRA amended the regulations for safety appliance arrangements on railroad equipment on April 28, 2011. See 76 FR 23714. The amendments are intended to promote the safe placement and securement of safety appliances on rail equipment by establishing a process for the review and approval of existing industry standards. This process permits railroad industry representatives to request approval of existing industry standards for the safety appliance arrangements on newly constructed railroad cars, locomotives, tenders, or other rail vehicles, in lieu of the provisions in 49 CFR part 231. This special approval process enhances railroad safety by allowing FRA to consider technological advancements and ergonomic design standards for new car construction. It ensures that modern rail equipment complies with applicable statutory and safety-critical regulatory requirements related to safety appliances while providing the flexibility to

efficiently address safety appliance requirements on new designs for railroad cars, locomotives, tenders, or other rail vehicles. FRA uses the information collected under this regulation to better serve the goal of adapting to changes in modern rail car design while facilitating statutory and regulatory compliance.

Form Number(s): N/A

Affected Public: Businesses

Respondent Universe: 734 railroads/labor unions/general public

Frequency of Submission: On occasion

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
231.33 – Procedure for special approval of existing industry safety appliance standards – filing of petitions - Affirmative statement by petitioner that a petition copy has been served on rep. of employees responsible for equipment’s operation/inspection/testing/maintenance - Service of each special approval petition on parties designated in section 231.33(c) - Statement of interest in reviewing special approval filed with FRA - Comments on petitions for special approval  - Disposition of petitions: petition returned by FRA requesting additional information	AAR (industry rep.)	100 petitions	160 hours	16,000 hours
	AAR (industry rep.)	100 statements	30 minutes	50 hours
	AAR (industry rep.)	1,130 petition copies	15 minutes	283 hours
	5 rail labor unions/ general public	300 statements	8 hours	2,400 hours
	728 railroads/ 5 labor groups/ general public	10 hours	10 hours	1,500 hours
	AAR (industry rep.)	150 comments	6 hours	18 hours
		3 additional documents		



231.35– Procedure for modification of an approved industry safety appliance standard for new car construction – filing of petitions - Affirmative statement by petitioner that a petition copy has been served on rep. of employees responsible for equipment’s operation/inspection/testing/maintenance - Service of each special approval petition on parties designated in section 231.35(b) - Statement of Interest in Reviewing Special Approval Filed with FRA - Comments on petitions for modification  -- FRA review of petition for modification; agency objection and AAR response	AAR (industry rep.)	24 petitions for modification	160 hours	3,840 hours
	AAR (industry rep.)	24 statements	30 minutes	12 hours
	AAR (industry rep.)	2,712 petition copies	2 hours	5,424 hours
	5 rail labor unions/ general public	72 statements	8 hours	576 hours
	744 railroads/5 labor unions/general public	36 comments	10 hours	360 hours
	AAR (industry rep.)	4 additional documents	6 hours	24 hours

Total Estimated Annual Responses: 4,655

Total Estimated Annual Burden: 30,487 hours

Type of Request: Extension of a Currently Approved Collection

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501-3520.

Sarah L. Inderbitzin,  
Acting Chief Counsel.

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